



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,509	10/17/2001	David Thompson	BRDC:036	7211

29395 7590 06/30/2005

H. DALE LANGLEY, JR.
THE LAW FIRM OF H. DALE LANGLEY, JR. PC
610 WEST LYNN
AUSTIN, TX 78703

EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
----------	--------------

2687

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,509

Applicant(s)

THOMPSON ET AL.

Examiner

Marcos L. Torres

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 13-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-72 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimoto US 6,115,611 A.

As to claim 1, Kimoto discloses a wireless communications network (see fig. 8), comprising: a wired network (see fig. 8, items 7, 8); a wireless channel; a server computer connected to the wired network (see fig. 8, item 51); a wireless packet data communications provider equipment connected to the wired network (see fig. 41, item 10a); a first client device communicatively connected via the wireless channel to the wireless packet data communications provider (see fig. 8, item 4), and a second client device communicatively connected to the network (see col. 9, lines 11-22).

As to claim 2, Kimoto discloses the wireless communications network further comprising a detector for detecting a first location of the first client device and a second location of the second client device (see col. 9, lines 11-22).

As to claim 3, Kimoto discloses the wireless communications network wherein the detector is selected from the group consisting of: software and hardware of the server computer (see col. 33, lines 16-41).

As to claim 4, Kimoto discloses the wireless communications network wherein the first client device communicates an indicator of the first location to the server computer (see col. 16, lines 25-27).

As to claim 5, Kimoto discloses the wireless communications network wherein the wired network is the Internet (see fig. 8, item 8).

As to claim 8, Kimoto discloses the wireless communications network further comprising server software stored on the server computer for relating the first location to the first client device and the second location to the second device and for making available an information corresponding to the first location and the second location for communication over the network (see col. 33, lines 16-41).

3. Claims 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Drutman US 6,618,593 B1.

As to claim 9, Drutman discloses a method of wireless communications, wherein a first client device has a first location and a second client device has a second location, comprising the steps of: serving a first information indicative of the first location to the second client device; serving a second information indicative of the second location to the first client device; enabling, by virtue of the first information and the second information, the first client device to communicate with the second client device (see col. 4, lines 29-53).

As to claim 10, Drutman discloses the method wherein the steps of serving comprise the steps of: performing a look-up in a relational database; and making known

Art Unit: 2687

the look-up result to at least one of the first client device and the second client device (see col. 4, lines 38-53).

As to claim 11, Drutman discloses the method wherein the wireless channel communicates a message, selected from the group consisting of: text, graphic, image, voice, and streaming media (see col. 4, lines 15-28).

Regarding claim 12 is the corresponding computer media claims of method claim 9. Therefore, claim 12 is rejected for the same reason shown above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2687

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto in view of Schwartz US 20020160790A1.

As to claim 7, Kimoto disclose everything claimed as explained above (see claim 1) except for the wireless communications network, wherein the wireless channel is a CDPD and cellular packet data system. In an analogous art, the wireless communications network wherein the wireless channel is a cellular CDPD (see par. 0037). It would have been obvious to one of the ordinary skill in the art at the time of the invention to implement the wireless data channel of Kimoto according to the CDPD cellular packet data system standard, as suggested by Schwartz for the purpose of compatibility among handsets and systems.

Conclusion

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2687

Mlt


6/27/05
LESTER G. KINCAID
PRIMARY EXAMINER